

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.

WALTER STICKLE, ANTHONY
CALIENDO, JOHN PITINGOLO and
DANIEL FISHER,
Plaintiffs

v.

ARTHUR ORFANOS,
Defendant

MAGISTRATE JUDGE Alexander

04 11539 JLT

COMPLAINT

RECEIPT # _____
AMOUNT \$ 50
SUMMONS ISSUED yes
LOCAL RULE 4.1
WAIVER FORM
MCF ISSUED
BY DPTY. CLK FOM
DATE 7/9/04

PARTIES

1. Plaintiff Walter Stickle (hereinafter "Stickle") is an individual who resides in North Reading, Massachusetts.

2. Plaintiff Anthony Caliendo (hereinafter "Caliendo") is an individual who resides in Billerica, Massachusetts.

3. Plaintiff John Pitingolo (hereinafter "Pitingolo") is an individual who resides in Arlington, Massachusetts.

4. Plaintiff Daniel Fisher (hereinafter "Fisher") is an individual who resides in Plymouth, Massachusetts.

5. The defendant, Arthur Orfanos (hereinafter "Orfanos"), is an individual who, upon information and belief, currently resides at 54 Egerton Road, Arlington, Massachusetts 02474.

JURISDICTION

6. Jurisdiction is vested in this Court by virtue of the presence of federal questions pursuant to 28 U.S.C., § 1331. The Court has supplemental jurisdiction over the plaintiffs' state-law claims pursuant to 28 U.S.C., § 1367. These state-law

claims arise from the same operative facts as the federal claims, and are so closely related to them that together they comprise the entire claim or controversy presented herein.

FACTS

7. In early 2000, plaintiff Caliendo and Orfanos were co-owners of a band called "The Mood." By early 2001, plaintiffs Sticklc, Pitingolo and Fisher had joined The Mood as band members.

8. By May 2001, The Mood began operating under the name "The Pink Floyd Experience," although it had not yet performed under that new name.

9. Also in May 2001, some of the band members were not satisfied with either of the names the band had been using and, as a result, the band members discussed renaming the band.

10. Plaintiff Pitingolo had the idea of calling the band "Pink Void." The plaintiffs all agreed to the suggestion, but had the further idea of a spelling change to "Pink Voyd."

11. Orfanos told the plaintiffs that he did not like the name "Pink Voyd." He refused to change the name of the band, insisting that it operate under the name "The Pink Floyd Experience."

12. During this time, Orfanos had become increasingly argumentative and difficult. He arrived late to rehearsals and left early, refused to practice, and made it difficult for the band to work and perform.

13. On June 1, 2001, the eve of the band's only performance as The Pink Floyd Experience, Orfanos called the plaintiffs and told them that he did not want to participate in the show. The defendant also called the venue to cancel the performance.

14. Although Orfanos reluctantly agreed to perform on June 2, 2001, he was difficult to work with and his performance was poor. The plaintiffs decided that they did not want to work with Orfanos again.

15. After the June 2, 2001 performance, Stickle left The Pink Floyd Experience. Shortly thereafter, the other plaintiffs left the band and The Pink Floyd Experience broke up.

16. Over the course of the next month, the plaintiffs began discussions about forming a new band called "Pink Voyd," which would not include the defendant. By July of 2001, the plaintiffs had formed a new band under the name "Pink Voyd" and began rehearsing.

17. When Orfanos learned that the plaintiffs had formed Pink Voyd he became very angry, and began placing irate phone calls and messages to them.

18. The plaintiffs then discovered that Orfanos had registered the domain name "www.pinkvoyd.com." Orfanos also registered the user names "pink v0yd" and "plnkvoyd" with America Online and the domain names "www.pinkv0yd.com," "www.pinkvoyd.net" and "www.pinkvoyd.us."

19. After lengthy discussions, Orfanos transferred the name "Pink Voyd" and the domain name "www.pinkvoyd.com" to the plaintiffs.

20. The plaintiffs have been continuously practicing or performing as the band Pink Voyd since June 2001. Since November 2001, the plaintiffs have maintained and operated a Web site at www.pinkvoyd.com, advertising their band, Pink Voyd, and their performances.

21. The plaintiffs' first concert as Pink Voyd was on April 27, 2002. Since that time, the plaintiffs have continuously performed under the name "Pink Voyd," and have performed as Pink Voyd in over 20 concerts in both Massachusetts and New Hampshire. The plaintiffs continue to perform as Pink Voyd, and currently have a

concert scheduled at the Chevalier Theatre in Medford, Massachusetts, on July 17, 2004.

22. Shortly after the first Pink Voyd concert, the plaintiffs discovered that Orfanos was using the usernames "pinkvOyd" and "plnkvoyd" and the Web sites "www.pinkvoyd.net" and "www.pinkvoyd.us," and other derivatives of the name, to pretend that he is Pink Voyd and publish false, misleading, and damaging statements to fans, venue owners, and other people in the music industry.

23. Mr. Orfanos published these statements maliciously and intentionally to cause harm to the plaintiffs and Pink Voyd, and damage their business relationships.

24. Orfanos also has contacted, and continues to contact, various venue owners, ticket vendors, and other individuals in the music industry, in an effort to discredit the plaintiffs and have our concerts cancelled. He has falsely informed, and continues to inform, these individuals and companies that he owns, or is a part of, the band Pink Voyd.

25. Orfanos, however, has never used the name "Pink Voyd" in connection with the performance of music or concerts. He has never played in a band performing as Pink Voyd.

COUNT I - INJUNCTIVE RELIEF

26. The plaintiffs restate, reassert and incorporate by reference the allegations contained in paragraphs 1 through 25 of their Complaint as if specifically set forth herein.

27. The defendant's conduct amounts to willful and purposeful tortious interference with the plaintiffs' business relations, a violation of the Lanham Act, 15 U.S.C., § 1051 et. seq., wrongful product disparagement, unfair competition, and a violation of M.G.L. c. 93A, and the Massachusetts Protection of Trademarks Act, and

said conduct has caused, and continues to cause, irreparable harm and damage to the plaintiffs.

28. Where the plaintiffs have a likelihood of injury to their business reputation, and the dilution of the distinctive quality of their mark or trade name valid at common law, they are entitled to injunctive relief pursuant to M.G.L. c. 110B, §12.

WHEREFORE, the plaintiffs request that this Court:

1. Issue a short order of notice and schedule a hearing to rule on Count I of this Complaint;
2. Issue an order, until such time as a permanent injunction issues, enjoining the defendant from the following conduct:
 - a. using the name "Pink Voyd," or any similar combination, in connection with the business of musical entertainment;
 - b. operating a Web site at the domain names "www.pinkvoyd.us," "www.pinkvoyd.net," or any similar combination;
 - c. registering, or attempting to register, any domain name which includes the words "Pink" and "Voyd" in any combination or with any other words, symbols or numbers;
 - d. registering, or attempting to register, any domain name which appears similar to, or contains similarities to, "www.pinkvoyd.com";
 - e. contacting the Chevalier Theatre in Medford, Massachusetts, its owners, operators or representatives, or the Town of Medford and any of its representatives, in any manner regarding the plaintiffs, Pink Voyd or the upcoming Pink Voyd concert of the plaintiffs on July 17, 2004;
 - f. contacting Strawberries, its owners, operators and employees in any manner regarding the plaintiffs, Pink Voyd or ticket sales for any Pink Voyd concerts, including the upcoming Pink Voyd concert of the plaintiffs on July 17, 2004;
 - g. contacting WZLX 100.7 FM, its owners, operators and employees in any manner regarding the plaintiffs, Pink Voyd or Pink Voyd concerts, including the upcoming Pink Voyd concert of the plaintiffs on July 17, 2004;
 - h. contacting any future Pink Voyd performance venues, Pink Voyd performance vendors, Pink Voyd ticketing agents, Pink Voyd performance sponsors, and advertisers of Pink Voyd

performances, or other people in the music industry, regarding the plaintiffs or Pink Voyd.

3. Order the defendant to pay the plaintiffs reasonable attorneys' fees and costs incurred in bringing this action, as well as all damages sustained by the plaintiffs as a result of the defendant's wrongful conduct; and
4. Grant such other and further relief as this Court deems just.

COUNT II - VIOLATION OF
THE LANHAM ACT, 15 U.S.C., § 1051, et. seq.

29. The plaintiffs restate, reassert and incorporate by reference the allegations contained in paragraphs 1 through 28 of their Complaint as if specifically set forth herein.

30. The defendant, in his actions, has made false or misleading designations of origin, and representations of fact, in violation of the Lanham Act, 15 U.S.C., § 1125.

31. The defendant's false designations and representations have caused, and are likely to cause, confusion, mistake and deception as to the defendant's affiliation, connection or association with the product and commercial activities of the plaintiffs.

32. The defendant has further wrongfully, and with bad faith intent, sought to profit from personal names, marks and domain names that are identical, confusingly similar, or dilutive, of distinctive personal names, marks and domain names of the plaintiffs.

33. The defendant has wrongfully and in bad faith registered and used domain names which are confusingly similar to the plaintiffs' marks and domain name.

34. The defendant has intended to cause, and has in fact caused, consumers to divert from the plaintiffs' online location to confusingly similar sites, and has

thereby harmed the plaintiffs' goodwill, and has intentionally tarnished or disparaged the plaintiffs' reputation.

35. The defendant's conduct has been willful and intentional, and violates the provisions of 15 U.S.C., § 1125.

36. The defendant has made false or fraudulent declarations and representations in violation of 15 U.S.C., § 1120.

37. The foregoing violations of the defendant have been, and continue to be, deliberate, willful and wanton, making this an exceptional case within the meaning of 15 U.S.C., § 1117.

38. WHEREFORE, the plaintiffs are entitled to a permanent injunction against the defendant, as well as all other remedies available under the Lanham Act, including but not limited to compensatory damages, treble damages, disgorgement of profits, and costs and attorneys' fees.

COUNT II - PRODUCT DISPARAGEMENT

39. The plaintiffs restate, reassert and incorporate by reference the allegations contained in paragraphs 1 through 38 of their Complaint as if specifically set forth herein.

40. The musical group Pink Voyd and its performances, advertising and related content is a product owned, created and used by the plaintiffs.

41. The defendant has with intent and malice, published, and he continues to so publish, false statements of material fact regarding Pink Voyd with the knowledge that these statements are false or with reckless disregard of their falsity.

42. The defendant's conduct has disparaged the plaintiffs' product, injured the reputation of Pink Voyd, and otherwise caused damage and pecuniary loss to the plaintiffs.

WHEREFORE, the plaintiffs demand that judgment enter against the defendant, and that they be awarded damages together with interest, attorneys' fees, costs, and any other relief which this Court deems just and proper.

COUNT III - TORTIOUS INTERFERENCE
WITH BUSINESS RELATIONS

43. The plaintiffs restate, reassert and incorporate by reference the allegations contained in paragraphs 1 through 42 of their Complaint as if specifically set forth herein.

44. The plaintiffs have, and have had, valuable contracts and business relationships with performance venues, performance vendors, ticketing agents, sponsors and advertisers, and other third parties in connection with Pink Voyd and the plaintiffs' business of musical entertainment.

45. The defendant has knowingly and purposefully contacted these third parties for the purpose of inducing them to break their contract and otherwise damage the business relationships that these third parties have with the plaintiffs.

46. The defendant's interference with the plaintiffs' business relationships was, and is, improper in its motive and means.

47. As a direct result of the defendant's conduct, the plaintiffs have been harmed and their business relationships have been damaged.

WHEREFORE, the plaintiffs demand that judgment enter against the defendant, and that the plaintiffs be awarded damages, attorneys' fees, costs, interest, and any other relief which this Court deems just and proper.

COUNT IV - UNFAIR COMPETITION/PALMING OFF

48. The plaintiffs restate, reassert and incorporate by reference the allegations contained in paragraphs 1 through 47 of their Complaint as if specifically set forth herein.

49. The name "Pink Voyd," adopted by the plaintiffs in connection with their business of musical entertainment, has acquired a secondary meaning and a reputation in the relevant market and music industry.

50. The defendant had full knowledge and awareness that the name "Pink Voyd" was adopted and used by the plaintiffs and has acquired a secondary meaning and reputation in the relevant market and industry.

51. Despite such knowledge, the defendant has adopted names, or a combination of names and symbols, so closely resembling the plaintiffs' name "Pink Voyd" that the public would reasonably be misled by it.

52. As a direct and proximate result of the defendant's actions, the business and goodwill created by the plaintiffs have been harmed and the plaintiffs have been damaged.

WHEREFORE, the plaintiffs demand that judgment enter against the defendant, and that the plaintiffs be awarded damages, attorneys' fees, costs, interest, and any other relief which this Court deems just and proper.

COUNT V - VIOLATION OF M.G.L. c. 93A

53. The plaintiffs restate, reassert and incorporate by reference the allegations contained in paragraphs 1 through 52 of their Complaint as if specifically set forth herein.

54. The defendant's conduct constitutes unfair competition in violation of M.G.L. c. 93A, § 11.

55. The defendant's actions were performed willfully and knowingly.

56. As a direct result of the defendant's unfair competition practices, the plaintiffs have been damaged.


WHEREFORE, the plaintiffs demand judgment against the defendant for treble damages as provided by M.G.L. c. 93A, § 11, as well as interest, costs and attorneys' fees.

JURY DEMAND

The plaintiffs, Stickle, Caliendo, Pitingolo and Fisher, demand a trial by jury on all issues so triable.

Respectfully submitted,

CLARK, HUNT & EMBRY


William J. Hunt (244720)
Michael B. Newman (632222)
55 Cambridge Parkway
Cambridge, MA 02142
(617) 494-1920

Dated: 7/9/04

AO 120 (Rev. 3/04)

| | |
|---|---|
| TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 | REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK |
|---|---|

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court for Massachusetts on the following ☒ Patents or ☒ Trademarks:

| | | |
|---|--------------------------------|--------------------------------------|
| DOCKET NO. | DATE FILED 7/9/04 | U.S. DISTRICT COURT Massachusetts |
| PLAINTIFF Walter Stickle, Anthony Caliendo, John Pitingolo, Daniel Fisher | | DEFENDANT Arthur Orfanos |
| 04 11539 JLT | | |
| PATENT OR TRADEMARK NO. | DATE OF PATENT OR TRADEMARK | HOLDER OF PATENT OR TRADEMARK |
| 1 Serial No. 78395926 | pending | Arthur Orfanos |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

| | | | | |
|----------------------------|---|--|--|--|
| DATE INCLUDED | INCLUDED BY | | | |
| | <input checked="" type="checkbox"/> Amendment | <input checked="" type="checkbox"/> Answer | <input checked="" type="checkbox"/> Cross Bill | <input checked="" type="checkbox"/> Other Pleading |
| PATENT OR TRADEMARK NO. | DATE OF PATENT OR TRADEMARK | HOLDER OF PATENT OR TRADEMARK | | |
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |

In the above—entitled case, the following decision has been rendered or judgement issued:

| |
|--------------------|
| DECISION/JUDGEMENT |
|--------------------|

| | | |
|-------|-------------------|------|
| CLERK | (BY) DEPUTY CLERK | DATE |
|-------|-------------------|------|

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

JS 44 (Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Walter Stickle, Anthony Callendo,
John Pitingolo, Daniel Fisher

(b) County of Residence of First Listed Plaintiff Middlesex
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

William J. Hunt
Michael B. Newman
Clark, Hunt & Embry
55 Cambridge Parkway
Cambridge, MA 02142 Tel.: 617-494-1920

DEFENDANTS

Arthur Orfanos MS-JL-9 P 3:20

County of Residence of First Listed Middlesex
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Mark Pelosky
375 Broadway, Suite 207
Chelsea, MA 02150

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 ☐ 1 DEF Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4 DEF
- Citizen of Another State ☐ 2 ☐ 2 DEF Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5 DEF
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 DEF Foreign Nation ☐ 6 ☐ 6 DEF

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES | |
|---|--|--|--|--|--|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury | PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury Med. Malpractice <input type="checkbox"/> 365 Personal Injury — Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other | <input type="checkbox"/> 422 Appeal 28 USC 156 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark | <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights | PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition | LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13950) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW (C/DIW W (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS Third Party 26 USC 7609 | |

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

15 U.S.C., Sec. 1051, et seq. Defendant is violating plaintiffs' trademark rights, disparaging product, interfering with business relations, and other wrongful conduct.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

preliminary injunction ☐ DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

Michael B. Newman

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Walter Stickle, et al. v. Arthur Orfanos
2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).
- ☐ I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- ☒ II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- ☐ III. 110, 120, 130, 140, 151, 180, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ☐ IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.
3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.
4. Has a prior action between the same parties and based on the same claim ever been filed in this court?
YES ☐ NO ☒
5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)
YES ☐ NO ☒
- If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?
YES ☐ NO ☐
6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?
YES ☐ NO ☒
7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).
YES ☒ NO ☐
- A. If yes, in which division do all of the non-governmental parties reside?
Eastern Division ☒ Central Division ☐ Western Division ☐
- B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?
Eastern Division ☐ Central Division ☐ Western Division ☐
8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)
YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Michael NewmanADDRESS Clark, Hunt & Embry, 55 Cambridge Parkway, Cambridge, MA 02142TELEPHONE NO. 617-494-1920